

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 CECILIA PEDROZA OCHOA, et. al.,  
12 Plaintiffs,  
13 vs.  
14 CITY OF OCEANSIDE, et al.,  
15 Defendants.

CASE NO. 15cv568-LAB (NLS)

**ORDER GRANTING MOTION FOR  
CONTINUANCE AND TO SHOW  
CAUSE RE SANCTIONS**

16 Two months ago, the Court granted Cecilia Ochoa's second motion to continue  
17 discovery deadlines to help her new attorney, Katherine R. Cohan, get up to speed on the  
18 case. The Court granted the motion with a clear caveat: "Plaintiffs are **WARNED** that the  
19 Court won't tolerate further lack of diligence." (Dkt. 67.) Cohan filed a motion on October 6  
20 asking the Court to move the October 7 deadline for expert disclosure. (Dkt. 70.)

21 Cohan's motion is a textbook example of how not to file a motion. Procedurally,  
22 Cohan failed to comply with Standing Order Rule 10, Local Rule 7.1, and Local Rule 16.1.  
23 Substantively, Cohan failed to provide good cause for the request or explain why the current  
24 schedule cannot "reasonably be met despite [her] diligence." *Johnson v. Mammoth*  
25 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). Professionally, Cohan failed to  
26 proofread her often unintelligible request. But Cohan's motion has a more basic problem:  
27 she requested the extension to obtain material she's now admitted she had since August.  
28 (Dkt. 70, 72.)

1 Cohan says the motion is based on "the attached declaration of Katherine Cohan."  
2 She provides no declaration. Cohan says she requires additional time for "depositions." She  
3 makes no request to extend any deposition deadlines. Cohan says she was "recently  
4 substituted into the case." She's been on the case for over three months. (Dkt. 70.)

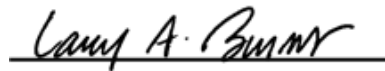
5 Cohan's lack of diligence and her disregard for procedure, substance, or syntax has  
6 become a pattern. The Magistrate Judge recently ordered Cohan to pay the City's expenses  
7 after Cohan attempted to cancel a 9:00 a.m. deposition by emailing the City's attorney at  
8 9:00 p.m. the night before. (Dkt. 69.) Cohan filed another improper motion to obtain autopsy  
9 photographs last week. (Dkt. 73, 75.) And the City's attorney highlighted troubling statements  
10 and conduct connected to Cohan in the opposition to this continuance motion. (Dkt. 71.)

11 Cohan improperly filed her request the day before the discovery deadline and now  
12 admits she's had all of the materials her expert needs since August (with the exception of  
13 autopsy photos). But the Court is reluctant to prejudice Ochoa because of her counsel.  
14 Ochoa's expert has until November 1, 2016 to complete their report. The rebuttal expert  
15 disclosure deadline is moved to November 14, 2016. All other deadlines remain the same.  
16 If Ochoa requests another extension of a pretrial deadline, it will be denied.

17 The Court orders Cohan to file a proofread memorandum by 5:00 p.m. on October  
18 24, 2016, to show cause why the Court shouldn't sanction her under Fed. R. Civ. P. 16(f).  
19 The Court also orders her to read the Civil Local Rules and Judge Burns' Standing Order in  
20 Civil Cases.

21 **IT IS SO ORDERED.**

22 DATED: October 20, 2016

23 

24 **HONORABLE LARRY ALAN BURNS**  
25 United States District Judge  
26  
27  
28